



Stopping Traffic: An In-depth Analysis of the Controversial New Film and What It Says about the United States' War on Drugs

Citation

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Steven Soderbergh's *Traffic* is a remarkable film that takes an in-depth look at the "war on drugs" in the United States, and does so in a way that is meant to "provoke and upset nearly everyone who sees it."¹Indeed, rarely in the Hollywood system does a film as controversial as *Traffic* get made, and rarer still is such a thought-provoking, politically-charged film a commercial success. Yet *Traffic* has been nominated for five Golden Globe Awards, and for five Academy Awards, including a nomination for best picture of the year.²The film has also grossed more than seventy-five million dollars in the first eight weeks of its release.³ The purpose of this paper, however, is not to examine the merits of the film from a cinematic perspective, nor from an economic one. The purpose of this paper is not to examine and address the performances of the actors, nor is it to critique the work of the director, Steven Soderbergh, or the screenwriter, Stephen Gaghan. The purpose of this paper is, rather, to examine the issues the film raises and to highlight the truths in the story lines that are used to create those issues. In doing so, this paper seeks to enrich the stories already present in the film by providing those stories with other "real-world" voices from those fighting the war on drugs. In this way, this paper endeavors to create a more complete view of the world *Traffic* creates, and thereby to facilitate further discussion about the United States' policy on the drug war. Indeed, *Traffic* has such a palpable effect on those who see it, that further discussion of its themes and stories is necessary to answer the questions the film causes movie-goers to ask as they exit the theater; "Was that true?" "Can things really be so bad?"

Frequently in Hollywood films, stories that depict current events are given the equivalent of a "content airbrush," as investors and financiers ensure that the subject matter of the film is interesting and compelling enough for audiences to enjoy the film and for the film to therefore make a profit. This financial goal

¹Pener, Degen. Details, "Between the Lines: With subtitles and sympathetic drug lords, Steven Soderbergh's new film is riskier than scoring a bag at the Justice Department," p. 44, December, 2000.

²See website: <http://www.amazon.com/exec/obidos/subst/video/misc/usafilms/traffic/honors.html>

³See website: <http://www.variety.com/Boxoffice.asp>.

generally comes at the expense of the validity and believability of the film and its characters. Yet, as this paper will demonstrate, *Traffic* is a film that has taken real-life incidents and episodes from the war on drugs and created a compelling, interesting Hollywood film that is simultaneously loyal and truthful to the very world it depicts.

It is important to note that *Traffic* is not a “true story,” but it does draw from the experiences of “real people” who have been involved in the war on drugs, including past drug czars, DEA agents, Mexican law enforcement officers, and drug addicts themselves. This element of truth and integrity in the film’s subject matter thus makes the film itself a valuable tool in seeking to understand the war on drugs in the United States and how that war is effecting America’s citizens as well as citizens of other nations. As this paper will evince, the unfortunate response to the questions people are muttering as they leave the theatre are “yes” and “no.” “Yes, a lot of what you saw in that film was true.” And, “No, things are not that bad; they’re worse.”

Traffic is an intersection of three stories that take place concurrently in the present day. Each story deals with a different, but interrelated area of the drug war, and each story is shot in a different color, making the stories easy to differentiate and discuss for the purpose of this paper.

The first story is shot in blue light, and can thus be referred to as the “blue story.” The blue story revolves around the appointment of a new “drug czar,” Ohio state Supreme Court Justice Robert Wakefield—played by Michael Douglas—and the beginning of his tenure in that high profile position. Complicating matters for Justice Wakefield is a very personal family battle with drugs, as his sixteen year-old daughter, Caroline, becomes immersed in and quickly trapped by a familiar spiraling world of drug use, drug addiction, and prostitution. What is unusual about Caroline’s story is that she is a “straight-A” student and a “National Merit Finalist,”⁴ though she frequently experiments with illegal drugs that would be found on the Drug

⁴Gaghan, Stephen. “*Traffic*: The Shooting Script.” Newmarket Press: New York, 2000.

Enforcement Administration's (DEA) Schedule One list.⁵ Caroline also surrounds herself with other young kids who are similarly involved in using and abusing such substances.

The last United States "drug czar," or United States Drug Policy Chief, was General Barry McCaffrey. There are a remarkable number of similarities between McCaffrey and Wakefield, as both are men of substantial accomplishment, intelligence, and clout, yet both men were largely unable to have a significant impact on the way in which the war on drugs was fought or on the outcome of that war.

General Barry McCaffrey was the United States military's youngest and most decorated four-star general. General McCaffrey fought in Vietnam and was also a division commander in the Gulf War. McCaffrey took over the role of drug czar in 1996, and was the longest-serving person in that position's history.⁶ Despite his military record and his qualifications, however, most would argue that McCaffrey was wholly ineffective in his fight to win the war on drugs. The General arrived at the position promising to bring a more humane and effective approach to his job, but little has changed in terms of anti-drug policy since 1996. Law enforcement still receives two-thirds of the anti-drug budget, and the anti-drug media campaign receives \$1 billion of a reported \$19 billion budget.⁷ These figures support *Traffic's* suggestion that the role of the Drug Czar is a complicated one, with demands that are often as political and media-driven as they are substantive and policy-oriented.⁸ As evidence of the pressures of the job of drug czar, the General Accounting Office reported in June of 2000 that two-thirds of General McCaffrey's staff had quit since he took over as head of the National Drug Control Policy in 1996.⁹ The same GAO report stated that there were seventeen full-time

⁵See website: http://www.deadiversion.usdoj.gov/schedules/listby_sched/index.html

⁶Allen, Arthur. "Portrait of a Drug Czar." <http://www.salon.com/health/feature//08/30/czar/print.html>, p. 1, Aug., 2000.

⁷*Id.* at p. 2.

⁸See Gaghan, p. 16, 2000. Note the constant references to Justice Wakefield needing to get "face time" with the President, as well as the repeated discussions of press conferences and constituencies.

⁹Allen, p.1, 2000.

staffers employed simply to plan and coordinate General McCaffrey's personal schedule of meetings, lunches, and press conferences—more than the number of people actually employed to work on drug treatment and prevention in the office.¹⁰ Still, funding for treatment of drug addiction grew by over \$775 million under McCaffrey, even for inmates with drug addictions.¹¹ Despite these glimpses of progress, however, most political insiders agree that McCaffrey's tenure as drug czar was ineffective and tied-down in bureaucracy and media posturing.¹² Such a criticism may well be something that comes with the job, though, not a reflection of McCaffrey himself. General Landry is the former drug czar in *Traffic*, the man Justice Wakefield is replacing. General Landry meets with his successor to offer advice and a story, telling Justice Wakefield:

When Kruschev was forced out, he sat down and wrote two letters and handed them to his successor. He said *When you get into a situation you can't get out of, open the first letter and you'll be saved. And when you get into another situation you can't get out of, open the second.* Soon enough this guy found himself in a tight place. So he opened the first letter. It said, *Blame everything on me.* So he blamed the old guy and it worked like a charm. . . He got into another situation he couldn't get out of, so he opened the second letter, which read, *Sit down and write two letters.*¹³

It thus appears that the role of the drug czar is perhaps an impossible one, as the role demands at least the appearance of progress and positive results while fighting what most within the war feel is an unwinnable saga.

In addition to the perpetual criticism of the job that is being done by top officials, this effort, time, and money spent on the media and on the projection of progress is clearly another impediment to winning the

¹⁰*Id.* at p. 4

¹¹*Id.* at pp. 6-7.

¹²*Id.* at p. 7

¹³Gaghan, p. 18, 2000.

war on drugs. President George W. Bush has not appointed a new drug czar, but he is expected to appoint someone whose policies and attitudes towards drugs and the war on drugs closely mirror those employed under McCaffrey's tenure.¹⁴ It seems unlikely that the same policies and programs will have any new effect on the war, instead serving only to continue a frustrating and frustrated policy. This policy, and the problems inherent to it, is explained, reviewed, and criticized by many real-life United States Senators in *Traffic*.

The senators in the film, such as Barbara Boxer and Orin Hatch, play themselves in a remarkable scene in which they give their opinions to the newly-appointed drug czar Wakefield regarding the war on drugs and what needs to be done. Soderbergh asserts that the scene was entirely improvised, with each Senator giving honest and heartfelt feelings about the war and its complications.¹⁵ Perhaps one of the most provocative comments comes from a Senator dealing with the economics of the drug war. The Senator in the film tells Wakefield:

You're not battling traffickers or dealers, but a market, and the market contains a paradox: if you arrest traffickers, you raise prices, and you also raise profits, which bring more traffickers into the business. . . the price of coke and heroin has dropped and purity has increased. All this law enforcement has achieved is kids can get better stuff, cheaper. In economic terms, you can forget it; this is not a winnable war.¹⁶

Michael Douglas spent a great deal of time preparing for the role of Justice Wakefield by talking with these very United States Senators. Douglas asserts that his experience taught him:

that with the billions of dollars that our government is spending to fight this war, the enemy, the drug cartels, actually have even more financial resources. I learned that as

¹⁴Komarow, Steven. *The USA Today*. "Netherlands tests its drug tolerance." 9A, Feb. 15, 2001.

¹⁵See website: <http://www.amazon.com/exec/obidos/subst/video/misc/usafilms/traffic/soderbergh-interview.html>.

¹⁶Gaghan, pp. 26-27, 2000.

much as we're talking about corruption on the south of our borders, that corruption now is a big issue within our borders, within our agencies. It's something that is of deep concern because of the money involved. I learned that as much of the super new technical equipment that we have, that the cartels even have more and better equipment.¹⁷

These words of futility, despair, and exasperation echo throughout each story of the film, and indeed throughout most of the accounts of people working and fighting inside the war on drugs. Yet the war wages on.

Complicating matters for Justice Wakefield are the struggles of his daughter, Caroline Wakefield, played by Erika Christensen. As with the truth inherent in the depiction of the drug czar, *Traffic* succeeds in portraying Caroline with a great deal of validity in her role as a smart, wealthy suburban high school kid experimenting with and quickly losing control of drugs.

According to a recent study conducted by the "Monitoring the Future" group at the University of Michigan's Institute for Social Research, drug use among students in grades 8, 11, and 12 has remained steady for most illegal drugs, and has even risen in the last year for certain "new" drugs. The study concluded that the use of the ecstasy rose sharply in the year 2000 among the forty-five thousand students who took part in the study.¹⁸ Perhaps even more telling about the frequency and pervasiveness of drug use in high school is the finding that almost 40% of high school seniors admitted to some use of marijuana in the twelve-month period prior to the study.¹⁹ It seems clear that if nearly 40% of high school seniors are using marijuana, it is not the case that only the "bad" kids can be using drugs. What is entirely more likely from the findings is

¹⁷See website: <http://www.amazon.com/exec/obidos/subst/video/misc/usafilms/traffic/douglas-interview.html>.

¹⁸See website: <http://www.monitoringthefuture.org/press.html>, Johnston, L.D., O'Malley, P.M., & Bachman, J.G. National press release, "Ecstasy use rises sharply among teens in 2000; use of many other drugs stays steady." December 14, 2000.

¹⁹*Ibid.*

that many so-called “good kids” such as Caroline are using at least marijuana, and potentially other illegal drugs.

Interestingly, *Traffic* does not judge these young kids for their drug use, choosing instead to make the more controversial point that some people are able to use drugs recreationally, while others are not. This philosophy is represented in the film by Seth’s drug use, which does not interfere with his ability to go to school and do well in his classes, a reaction to the drugs that is drastically different from Caroline’s reaction to the same level of drug use. Though Seth introduces Caroline to drugs, he does not immediately understand that Caroline cannot “handle” her drugs like he can.²⁰ Screenwriter Stephen Gaghan asserts that, though many people do not believe it, certain people are pre-conditioned to become addicts and others are not, though both may use the same drugs. For Gaghan, the distinction is clearly a biological one, not a problem with self-control:

For [some of the population]...it’s not a lack of will power. It affects those people *differently*. You can have two people side by side, identical, one person can deal and one person can’t, and if you can’t, the pursuit of [drugs] will take you to places that are simply not logical...you’re leaving your comfy, million-dollar house in your upper-middle class suburb and actively seeking danger. That’s not what most people do, but that is what some people do...²¹

Soderbergh seems to agree with Gaghan’s hypothesis, noting that:

Going after the supply is like an ant at the bottom of the Matterhorn. I think we need to cop to the fact that there are some people who can do drugs recreationally and some who can’t. And we need to start helping the people who can’t. The desire to alter your state of consciousness is so inherent to humans

²⁰Gaghan, p. 103, 2000.

²¹*Id.* at p. xiii.

that I just don't know how you control that.²²

In the film, Wakefield asks Mexican drug czar General Arturo Salazar how the Mexican government treats and helps those who are addicted to drugs. General Salazar replies matter-of-factly, “addicts treat themselves... they overdose and then there's one less to worry about.”²³

There are certainly people in the debate on drugs who believe there is no such thing as a “recreational” drug user, arguing that drug addicts should not be treated as having a disease, but should instead be forgotten with the kind of cold indifference expressed by General Salazar. Gaghan's personal experience tells him differently. The screenwriter is a former drug addict who grew up in an environment similar to Caroline's privileged surroundings.²⁴ When Caroline is arrested for being high on drugs, she meets with a social worker who pushes Caroline to recite her own résumé. It is a résumé of many children who will go on to Ivy League schools and prominent positions in society, filled with accomplishments on academic clubs and athletic teams that match stellar classroom achievement. It is, ironically, the résumé of Gaghan himself. Gaghan admits:

I had [Caroline] reciting my résumé exactly, at a time when I was drinking, every day, and smoking marijuana and taking cocaine. The only thing I changed is that, in reality, I had also been on the all-state soccer team in Kentucky. I just had her on the school volleyball team.²⁵

Gaghan feels that Caroline's story is a significant part of the war on drugs, as it demonstrates the need to treat drug abuse and drug addiction in a way that is apart from the callous view of General Salazar. Gaghan

²²Pener, p. 44, 2000.

²³Gaghan, p. 96, 2000.

²⁴Lyman, Rick. *The New York Times*. “Gritty Portrayal of the Abyss From a Survivor; The Screenwriter for ‘Traffic’ Says He Drew on His Past.” Arts and Cultural Desk, Feb 5, 2001.

²⁵*Id.*

asserts:

If there is a message to the movie, I guess it's that drugs should be considered a health care issue rather than a criminal issue. . . the point is that drug addiction can attack anyone, even a high-achieving private-school student from a solid, middle-class family in Kentucky. I don't know if drug addiction is genetic. I don't even know if it's a disease. But I do know one thing: you have to treat it like a disease. Because if you don't, you die.²⁶

Traffic's second story is shot entirely in yellow, and takes place in Tijuana, Mexico. The yellow story follows the life and work of Javier Rodriguez, a Tijuana police officer, who is trying to find his way amidst a sea of corruption that permeates even the highest levels of the police and military with and for whom he works. Benicio del Toro plays Javier, a man trapped in a world of corruption funded by drug dealers and traffickers who bribe the very people and organizations that are supposed to be fighting against the proliferation of illegal drugs throughout Mexico and the United States.

When Javier and his partner and closest friend, Manolo, are recruited by Mexican drug czar Salazar, it seems as though the two policemen are being given a chance to have a real impact on the drug trade. The men quickly learn, however, that even Salazar himself is involved in the corruption, as he helps run one of the two main Mexican drug cartels that smuggles drugs into the United States through Tijuana.

As Manolo succumbs to the financial allure of the drug cartel's corruption, Manolo quickly finds himself caught in the middle of a war between Mexico's biggest drug lords. Javier must then play people off one another in order to save his partner from assassination, and to save himself from the wrath of corrupt officers who have neither patience nor respect for an honest cop.

As the film suggests, the life of honest Mexican policemen is a difficult one, as the officers must fight to stay straight and sane while surrounded by a world of money and influence driven exclusively by drugs. Such

²⁶ *Id.*

money and luxury is in startling contrast to the world that a straight cop in Tijuana could afford. Benicio del Toro notes that he spent time preparing for his role by shadowing a policeman in Tijuana, who taught del Toro:

number one, that there's a lot of good people down there trying to do the right thing. And number two, that it's very difficult for a cop to make a comfortable living, you know? They don't make that much money and...for example, you have to buy, in Tijuana, as I understand it, you have to buy your own equipment. As a cop, I have to buy my own gun, my own bullets. There's a line in the picture where I say, 'They stole our handcuffs,' which basically means now, from the little bit of money that I make, I have to buy another set of handcuffs.²⁷

Indeed, *Traffic* depicts the life of an honest cop in Mexico as a lonely, poor existence with little appreciation from colleagues or fellow citizens. In addition to this poverty and disrespect in the face of the enormous wealth that comes only from corruption, there is also unspeakable danger from being honest and straight in a world that exists on payoffs and bribes. During a research trip to Mexico, Gaghan remembers being told that “the life expectancy of an honest cop [in Mexico] is about thirty days.”²⁸In real-life Mexican law enforcement, such corruption thus seems to permeate nearly all levels of the Mexican anti-drug efforts, going as high as the hierarchy will go.

In February of 1997, General Jose de Jesus Gutierrez Rebollo, Mexico's highest-ranking anti-drug official, was arrested for accepting bribes and protecting a high-level Mexican drug trafficker. The incidents occurred just ten weeks after the general was appointed director of the National Institute to Combat Drugs (INCD),

²⁷See website: <http://www.amazon.com/exec/obidos/subst/video/misc/usafilms/traffic/del-toro-interview.html>.

²⁸Gaghan, p. x, 2000.

the Mexican equivalent to the United States' DEA.²⁹ Most embarrassing, perhaps, was the complete trust and faith that the United States had in Gutierrez and in his reputation as an honest and incorruptible man. Prior to the scandal, then-drug czar General McCaffrey called Gutierrez "an honest man," and a "guy of absolute unquestioned integrity."³⁰ As *Traffic* suggests, there is a great deal of trust between the DEA and their Mexican counterparts. In the film, Wakefield visits with Salazar and expresses his supreme trust in him and in their ability to work together to fight against the drug trade. Wakefield tells Salazar that he'd like to bring Salazar up to Washington, "walk [you] around our side of things, and share some of the information we've been able to develop on [your] cartels."³¹ One can imagine a similar conversation occurring between McCaffrey and Gutierrez, as the two men shared what each knew of the others' operation.

Also problematic, and an outgrowth of this blind trust, is the sharing of information between the government agencies of the two countries. In the film, the DEA agents seek out Javier and try to persuade him to provide them with information about the Mexican cartels in Tijuana. Such information swapping is an apparently common and reciprocal practice between Mexican and United States agencies and officials. The United States gave real-life Mexican drug czar Gutierrez access to United States intelligence regarding anti-drug investigations, wiretaps, interdiction programs and the names of informants, all of which the corrupt General presumably used to fight against the United States' anti-drug efforts in the General's position of aiding Mexican cartels.³² Given such poor intelligence and clear errors in judgment, resulting in the giving of vital fighting strategy and information to the enemy, it not only seems believable, but *likely* that DEA agents are

²⁹Preston, Julia. *The New York Times*. "A General in Mexico's Drug War Is Dismissed on Narcotics Charges." A1, February 19, 1997.

³⁰See website: <http://www.ndsn.org/MARAPR97/DRUGCZAR.html>.

³¹Gaghan, p. 95, 2000.

³²Preston, Julie. *The New York Times*. "Mexico's Jailed Anti-Drug Chief Had Complete Briefings in U.S." A1, February 20, 1997.

kidnapped and killed by corrupt Mexican police and military officers.³³ Ironically, Gutierrez's appointment was part of a strategy to fight rampant corruption among the Mexican police by expanding the role of the Mexican military in the drug war. The incident with Gutierrez is thus further evidence that the amount of money and power involved in corrupting officers and officials means that no one is immune to its allure.³⁴ Soderbergh himself, after spending a good deal of time researching the film in its actual locations, feels that the corruption depicted in Tijuana really is as pervasive as it seems in the film. He asserts:

Well, when you get into this issue specifically, yeah, there's a lot of systemic corruption that will be difficult to rule out, although I think the incoming president in Mexico is very committed to trying to effect some changes there. But it's because of the enormous amounts of money involved that they are the conduit. The demand is over here, and they are the conduit for all of these drugs to move across. And so when you're talking about, you know, a lot of people who don't have a lot of money and then you bring in very powerful cartels who have a lot of money, you can't be surprised that some people get caught up in it.³⁵

It is also significant to note that Gutierrez was not the only Mexican general to be charged with drug war corruption. Only months after Gutierrez's arrest in 1997, Mexican Army Brigadier General Alfredo Navarro Lara was arrested on charges that he offered Tijuana's top anti-drug official, General Jose Luis Chavez Garcia, a million dollars to allow drugs to pass through Tijuana on its way to Southern California.³⁶ That the DEA is working in this environment, not knowing who to trust or who is the real enemy, may be one of

³³See *infra* on Mexican DEA agent Kiki Camarena.

³⁴Preston, Julie. *The New York Times*. "Mexican Use of Army to Fight Drugs Worries U.S." A6, February 22, 1997.

³⁵See website: <http://www.amazon.com/exec/obidos/subst/video/misc/usafilms/traffic/soderbergh-interview.html>.

³⁶Preston, Julia. *The New York Times*. "Another Mexican General Is Arrested and Charged With Links to Drug Cartel." A8, March 18, 1997.

the reasons the war on drugs is so often compared to the war in Vietnam.³⁷ One of the more startling tales of Mexican police corruption and a lack of United States intelligence about such duplicity is the story of DEA agent Kiki Camarena. In the late 1980s, Jack Lawn became acting administrator of the DEA just as Kiki Camarena was kidnapped and murdered in Mexico. The United States knew neither the details of the event nor the culprits, believing only that Mexican anti-drug officials with whom Camarena was supposed to be collaborating and cooperating were involved in planning and carrying out the murder. Lawn himself discussed the importance of being able to trust Mexican anti-drug officials, saying:

in what we do for a living, we depend on our law-enforcement counterparts. In the case of Kiki Camarena, that mutual trust failed. It is very important to note that of the individuals in this [Kiki Camarena] indictment, three are former police officers in Mexico.³⁸

The life of a DEA agent is a fascinating, though often painful one, and it is the third and final story in *Traffic*.

Traffic's "orange story" occurs in La Jolla, California, a wealthy suburb of San Diego. The story follows the lives of two DEA agents, Montel Gordon and Ray Castro, as they protect Eduardo Ruiz, the sole witness who can testify against jailed cocaine importer Carlos Ayala. The agents are also engaged in tracking the actions of Helena Ayala, Carlos Ayala's socialite wife who, before her husband's arrest, enjoyed the fruits of her husband's illegal activities without having any knowledge or understanding of those affairs.

When the DEA arrests her husband, Helena Ayala decides to run her husband's cocaine-importing business

³⁷Shannon, Elaine. Desperados: Latin Drug Lords, U.S. Lawmen, and The War America Can't Win. Viking Press: New York, 1988, p. 453.

³⁸*Id.* at 445.

so that she can continue to live the life to which she had grown accustomed. In a telling scene that reveals the appeal and power of the remarkable amounts of money and luxury the drug trade affords, Helena promises her husband that she will do whatever it takes to ensure that her unborn child does not have to grow up in the same poverty that she did.³⁹ Helena then has to assume her new role under the watchful eye of Agents Gordon and Castro, a role that not only makes her a drug importer, but the accomplice to the murder of Eduardo Ruiz as well.

The story of the DEA agents in the film is perhaps the most compelling, as it is the stitch that holds all three of the stories together. Indeed, the DEA is involved in the lives of the Mexican police in Tijuana, in trying to find who is corrupt and who can be trusted to aid in the fight against the drug trade. The DEA is also involved in the life of the new drug czar, in teaching him and bringing him up-to-speed about the current victories, losses, and difficulties in fighting the cartels abroad and the drug problem at home. The life of a DEA agent is perhaps the most disturbing portrayal in the film, as the agents are shown fighting a war with poor, often erroneous information, against ruthless soldiers and businessmen who have more money and technology to fight the war with more success and efficiency. Even Eduardo Ruiz realizes the futility of what the DEA is trying to do, as is apparent when he tells Agent Gordon, after Gordon's partner is killed in a botched attempt on Ruiz's life:

Can't you for a second imagine none of this had happened?
That my drugs had gone through. What would have been the
harm? A few people get high who are getting high anyway.
Your partner is still alive... Don't you see this means nothing?
That your whole life is pointless? You only got to me because
you were tipped off by the [competing cartel], who's trying to
break into Tijuana. You're helping them. You work for a drug
dealer too...⁴⁰

³⁹Gaghan, p. 91, 2000.

⁴⁰*Id.* at 135.

This sense of hopelessness and futility is perhaps best addressed by a government official immersed in the battle. Gaghan recalls a conversation he had with the Deputy Secretary of Defense for Counter-Terrorism and Narcotics. Gaghan asked the Deputy Secretary if it were true that it was “common knowledge” sixty percent of all the drugs coming into the United States were coming in through Mexico, and yet they still could not be stopped. The Deputy Secretary told Gaghan:

Yeah, well, what do you want me to do? You want me to do nothing and watch it go to seventy percent? Or do you want me to work a hundred hours a week and maybe I can get it down to fifty percent?⁴¹

In order to understand these problems with the DEA, it is valuable to examine the history of the administration. The Drug Enforcement Administration was created by President Nixon in 1973 as the chief drug enforcement agency of the federal government.⁴² The roots of the agency can be traced back to the 1930s, though, when the Federal Bureau of Narcotics (FBN) was formed under the jurisdiction of the Department of the Treasury. In 1968, President Johnson merged the FBN with the Food and Drug Administration’s (FDA) Bureau of Drug Abuse Control under the Department of Justice, creating the Bureau of Narcotics and Dangerous Drugs (BNDD). President Nixon then created the DEA in an effort to further consolidate United States drug enforcement in one agency that would be controlled by the White House through the Attorney General.⁴³ This history is significant, as so many different agencies often find themselves competing for the media attention and respect that will ensure their budgets are renewed and increased each year by Congress.⁴⁴ The DEA’s official mission is to “mobilize, by arrest and prosecution, major drug violators of the

⁴¹Gaghan, p. viii, 2000.

⁴²Wisotsky, Steven. Beyond the War on Drugs: Overcoming a Failed Public Policy. Prometheus Books: Buffalo, New York, 1990, p. 65.

⁴³*Id.* at 66.

⁴⁴*See* Deep Cover, *infra*.

Controlled Substances Act operating at interstate and international levels.”⁴⁵Section 812 of the Controlled Substances Act (CSA) lists substances that were controlled in 1970 when the Act was passed.⁴⁶The CSA defines a “controlled substance” as a “drug or other substance, or immediate precursor, included in schedule I, II, III, IV, or V.”⁴⁷Since the passage of the CSA, over one hundred sixty substances have been added to the list, which can currently be found in §1308 of Title 21 Code of Federal Regulations (CFR) Part 1300.⁴⁸The CSA is thus central to the work of the DEA, as agents generally prosecute suspects under provisions of the Act. The most commonly charged offenses include “unlawful distribution, possession with intent to distribute, and attempt or conspiracy to distribute a controlled substance, and related import/export offenses.”⁴⁹Significantly, drug law thus can be viewed as political in the sense that the Attorney General, rather than the Surgeon General or the FDA, determines the classifications of certain drugs.⁵⁰The importance of this politicization of the drug law is felt in everything from the difficulty in legalizing marijuana for medicinal purposes, to the punishment of drug users regardless of the frequency of their offense or even the particular drug they are using (many states treat offenses for marijuana and cocaine equally).⁵¹ The life of a DEA agent is chronicled with remarkable clarity and honesty in two accounts that support much of the life portrayed by the agents in *Traffic*. The first is Elaine Shannon’s account of the disappearance, murder, and subsequent bumbled investigation of DEA agent Enrique “Kiki” Camarena.⁵²The second account is

⁴⁵United States Department of Justice, *Drug Enforcement Administration: A Profile*, p. 4, 1981.

⁴⁶21 U.S.C §801 et. seq.

⁴⁷*Id.* at §802(6).

⁴⁸*Id.* at §1308.

⁴⁹Wisotsky, p. 67, 1990.

⁵⁰*Id.* at 67.

⁵¹*Id.* at 67.

⁵²Shannon, 1988.

Deep Cover, a book written by former DEA agent Michael Levine about his experiences working undercover in an effort to infiltrate and destroy the largest cocaine-manufacturing business in the world, Bolivia's La Corporación.⁵³

In February, 1985, DEA agent in Mexico Kiki Camarena disappeared in Guadalajara, kidnapped in broad daylight almost directly in front of the American consulate.⁵⁴In 1988, after years of the Mexican government stalling its own investigation and attempting to cover-up the corruption and involvement of its own men in the murder, Bill Coonce was appointed head of a task force investigating Camarena's abduction and murder.⁵⁵To do this day, no one knows the truth about what happened to Camarena. The Mexican government found audio tapes of Camarena being tortured after his kidnapping, though they refused to allow the United States to analyze the tapes for voice identification.⁵⁶ At the end of 1988, the United States finally indicted five men for the murder of Camarena, three of whom were high-ranking Mexican law enforcement officials.⁵⁷Despite these indictments, and countless varying accounts by both the Mexican and United States governments, it seems that no one will ever know the truth about Camarena's murder. After years of involvement in the investigation, Coonce, like many DEA agents, blamed the lack of knowledge on the Mexican government for "stonewalling," and on the Reagan administration for failing to be strong with the Mexicans in demanding answers. Coonce asserts

It really lets you know about how the system will eat you up.

⁵³Levine, Michael. Deep Cover: The Inside Story of How DEA Infighting, Incompetence, and Subterfuge Lost Us the Biggest Battle of the Drug War. Delacorte Press: New York, 1990.

⁵⁴Shannon, p. 9, 1988.

⁵⁵*Id.* at 265.

⁵⁶*Id.* at 447.

⁵⁷*Id.* at 445.

Big government will prevent you from doing a job when other interests are at stake. The life of an agent is secondary to other issues. No one will say so. You get a lot of lip service, but things just get undone and you don't get backed. You're told you're supported, but after a few months of not being able to get a straight answer from anyone, you look back and realize you've been had.⁵⁸

Such powerful antipathy for the DEA, and for the United States government's policies on the war on drugs and the way in which the war is being fought, is also reflected in the words and stories of Michael Levine, in his personal account of life as a DEA agent.

After twenty-five years of doing undercover work for the DEA, Michael Levine writes:

It is both sobering and painful to realize, having personally accounted for at least three thousand criminals serving fifteen thousand years in jail, and having seized several tons of various illegal substances, that my career was meaningless and had had absolutely no effect whatsoever in the so-called war on drugs. The war itself is a fraud.⁵⁹

Levine's book chronicles his undercover work and his ability to make a deal with representatives of La Corporación, an organization of numerous cocaine manufacturers who are estimated to handle "more money in cash each month than the total budgets of the DEA, the FBI, and Customs combined."⁶⁰ Levine negotiated a deal to buy fifteen thousand kilos of cocaine for \$75 million, the United States wholesale value of which at the time was \$3.6 billion.⁶¹ The deal fell through, however, in a startling display of incompetence and ignorance by the United States government, the DEA, and the national media.

⁵⁸ *Id.* at 452.

⁵⁹ Levine, p. 12, 1990.

⁶⁰ *Id.* at 109.

⁶¹ *Id.* at 68.

As Levine began to negotiate with the Bolivians, he inquired about the difficulties that would arise in bringing a plane into Bolivia to pick up his drugs. The Bolivian way of doing business requires all buyers to come to them, rather than meeting in a neutral location to swap drugs for money. At the time of Levine's negotiation, Operation Snowcap was the DEA's largest anti-drug program in South America.⁶² Snowcap was funded with millions of dollars, as well as with DEA agents who were sent to the jungles of South America to fly "Ramboesque, low-flying missions, to try and find jungle cocaine labs."⁶³ Levine asked the Bolivians about Operation Snowcap, and about the many DEA agents working with Bolivian law enforcement to fight the drug trade. The Bolivian drug dealers "laughed politely," telling the undercover Levine:

they pose no threat. The very people assigned to the gringos report to us. They give us three days' notice before they fly a mission. My organization controls all civil aeronautics in Bolivia. There is absolutely no interference from law enforcement. . . [The Americans] have a few helicopters. They go up, and they go down. That is all they do. They do nothing. We control them. Please do not be offended, but Americans are such simple people.⁶⁴

As evidence that this was not mere puffing by anxious businessmen, Levine himself noted that he had been told the exact same thing eight years earlier by yet another Bolivian drug lord while Levine was on another undercover assignment. Further validation of this statement from the Bolivians remarkably was given to Levine by Art Egbert, who was at the time the Staff Coordinator for the DEA. When Levine mentioned what the Bolivians had said about the (lack of) effectiveness of Operation Snowcap, Egbert told Levine that the DEA knew the program was not effective, but that it was the direction that the agency had decided to

⁶²*Id.* at 48.

⁶³*Id.* at 49.

⁶⁴*Id.* at 70.

go and “anyone who does not believe in it does not belong in the agency.”⁶⁵ Egbert subsequently told Levine that the Bolivians were exactly right in their depiction of the program and its inability to deter the drug trade. Levine was told that the DEA did not have airplanes that could reach the cocaine labs deep in the jungle and that the corruption of the law enforcement officials there was “insurmountable” anyway.⁶⁶ The DEA staff coordinator terminated the conversation with Levine by telling him that the Bolivian’s La Corporación was manufacturing so much cocaine that Levine’s undercover deal was not worth doing because it would not make “any difference whatsoever” in fighting the war.⁶⁷ All this, according to Levine, was said while DEA agents were still being sent into the jungles on dangerous missions in search of cocaine labs that the high-ranking DEA officials knew could never be found.

As Levine continued trying to arrange a deal with the Bolivians, DEA officials above him changed their minds about the operation almost daily, sometimes instructing him to go forward with the deal, other times telling him to forget the job entirely. Ultimately, Levine arranged to make the deal, but the DEA made incredible tactical errors during the course of trying to finalize the negotiation. One such error was demanding that the deal take place in a Marriot hotel, after the Bolivians had explicitly told Levine that only DEA agents stay at the hotel and that there were agents staying there at the very time the deal was being discussed.⁶⁸ This glaring and potentially life-threatening error was followed by other blunders, such as placing a lead agent on the case who dealt with the stress by repeatedly drinking himself into a stupor, and the DEA refusing to put up the necessary money to allow an undercover Levine to fly into the jungle with the Bolivians, see the labs for himself, and arrest the cocaine manufacturers once he got there. Countless other errors were made that

⁶⁵ *Id.* at 76.

⁶⁶ *Id.* at 76.

⁶⁷ *Id.* at 77.

⁶⁸ *Id.* at 101.

hardly seem possible for a U.S. government agency entrusted with such responsibility and power.⁶⁹ Perhaps one of the most damning elements of Levine's account is his constant reference to how the "suits" in charge were spinning all that happened, and were more concerned with the story they could manufacture in the media rather than the story that was happening in the field. Officials were also concerned with ensuring that the DEA got the credit for any slight drug-war achievement. Indeed, at various points during the operation, Customs and the DEA both had agents and officials working on the case. While the Customs and DEA people were supposed to be cooperating and collaborating, more often than not Levine's account makes the work seem like a competition, a fight to see which agency could claim credit for the job first.

This competition caused both agencies to choose *any* result over the best result, a policy that was almost certainly behind Customs' decision to send an NBC news camera into Levine's undercover home. The cameras videotaped the extensive wires and hidden cameras that were being used to catch the Bolivians if a deal were to take place. Incredibly, the crew actually went into the house without the knowledge of the DEA agents on the case, and were in the house just moments before Levine arrived there with the Bolivian dealers.⁷⁰ The news people then ran the footage of the operation before all suspects and related parties could be apprehended, resulting in the escape of most of the highest-level members of La Corporación, including the chief accountant for the entire organization. Such a stunt by the news media could have meant the lives of Levine and the other undercover agents, and, as Levine notes incredulously, it was also an indication that:

Customs was giving [the newspeople] actual evidence before arrests were even made. . . they had risked agents' lives, ruined follow-up investigations at the source-country-level, and helped possibly the biggest link in the South American money-laundering chain to escape.⁷¹

⁶⁹ *Id.* at 232.

⁷⁰ *Id.* at 222.

⁷¹ *Id.* at 222.

Yet another problem that Levine highlights throughout his chronicles is the splintering of divisions within the DEA itself. Levine explains that the DEA was divided into sections or “desks” according to the kind of drug involved, rather than the desk being assigned to one geographical region where the drugs or organizations were headquartered. Thus, a desk assigned to cocaine would be tracking and fighting the cocaine war in South America, Central America, the Middle East, Asia, and everywhere else in the world cocaine was manufactured and distributed.⁷² Such a system is obviously inherently inefficient, as it does not align itself with the very people it is purporting to fight. Levine asserts:

Drug dealers don’t separate their organizations according to drug category. A Colombian drug organization might deal in Quaaludes, cocaine, heroin, and marijuana, thus putting them under the jurisdiction of four separately managed divisions in DEA headquarters. This means four separately run investigations; four times the amount of man-hours spent on one target; four times the amount of paperwork; four times the amount of expenses; and bureaucratic infighting for control of cases (particularly those that have the promise of media attention) that is nastier, dirtier, and more underhanded than a Chicago election.⁷³

This divisiveness is immediately apparent when one examines the DEA website.⁷⁴ Indeed, the website is so littered with a description of all of the DEA programs addressing different drug traffickers and distributions around the world that one is quickly imbued with the sense that a number of programs were thrown desperately at the drug problem, without a cohesive plan or a hope for success. The site appears to be an attempt on the part of the agency to mollify critics, enabling it to say that there is “something addressing” whatever problem arises in the drug war. The site speaks of “bi-national forces” in the Southwest Border Initiative (SWBI), but does not address the rampant corruption within the organizations with whom the

⁷²*Id.* at 78.

⁷³*Id.* at 78.

⁷⁴See website: <http://www.usdoj.gov/dea/briefingbook/page58-83.html>.

DEA is trying to cooperate. It does not address the kind of corruption that fooled drug czar McCaffrey into thinking Mexican drug czar Gutierrez was a trustworthy man, nor of the corruption that led to the kidnapping and murder of Kiki Camarena. Instead, the site lists the programs the DEA has created to fight the war on drugs. The website gives a dizzying array of programs and initiatives that includes:

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All of the above programs are listed on the website, yet there is not a single word about the problems the DEA faces with corruption or outmatched resources. This is not to say that these programs are futile or meaningless. It does seem clear simply from the remarkable number of programs, however, that the potential for the kind of inefficiency, incompetence and delay discussed by many DEA agents like Levine is quite real. While it is not the only culprit, it does seem probable that at least part of the reason the war on drugs is not being won, and indeed may not be winnable, is that the DEA is an agency that is not equipped to fight against its enemy. If the United States' prime drug enforcement's goal is not to win, but to posture for the media in order to convince Congress to renew and increase the budget for next year, it is not surprising that the United States is losing its battle against cold, calculating businessmen who will kill and die for their business.

Still, it seems clear in talking to the officers and officials fighting the war that they too are aware of the futility of their work, yet they are uncertain about a different course of action that may prove more successful. It would be easy, given the negative accounts of the DEA from former agents and insiders, to be overly critical of the men and women working in the Administration and fighting the war on drugs. Gaghan admits his script for *Traffic* was originally meant to be a satire of the war on drugs, on how ridiculous and pitiful the effort was in fighting these all-powerful cartels. Yet, after he met with a number of officials from the Pentagon, the Office of National Drug Control Policy, the Council of Police Chiefs, and policy advisers on the war on drugs, Gaghan changed his mind. He explains:

Along the way I decided that I couldn't do a satire... I realized that everyone I was meeting was so filled with despair, authentic despair, that they weren't really appropriate targets for a satire. They weren't cavalier, they didn't think they had the right answers. Nobody I met said, 'We're winning the War on Drugs.' I was meeting reasonable people who were having a reasonable response to what they were trying to do. Their goal was always good: 'We don't want to see kids throwing their lives away on drugs.' I mean, who does? And their response to their job was exactly what anyone's response would be... frustrated, overwhelmed. 'We're not doing the right thing. What do we try next?'... Everybody felt awful.⁷⁶

Such feelings of futility and desperation certainly were echoed by Michael Levine, who was so upset by the way his undercover mission with the Corporación was handled that he thought the only way to make it worth while was to take copious notes of all that went wrong.⁷⁷ Levine's work does illuminate a great deal of seeming incompetence on the part of the DEA. It may be the case, however, that it is not incompetence but rather a lack of comparable resources that has hurt the United States so severely in fighting the war on drugs.

In 1998, Donnie Marshall, Acting Deputy Administrator of the DEA, addressed the House Government Reform and Oversight Committee & Subcommittee on National Security, International Affairs, and Criminal Justice.⁷⁸ Marshall asserted to the committee:

The international drug syndicates operating throughout our hemisphere are resourceful, adaptable, and extremely powerful. These syndicates have an unprecedented level of sophistication...

they have
at their disposal an arsenal of technology, weapons

⁷⁶Gaghan, p. viii, 2000.

⁷⁷Levine, p. 12, 1990.

⁷⁸See Congressional Hearings Intelligence and Security website: http://www.fas.org/irp/congress/1998_hr/h980312m.htm

and allies—corrupting law enforcement and government officials—enabling them to dominate the illegal drug market in ways we never thought possible. These modern-day drug syndicate leaders oversee a multi-billion dollar cocaine and heroin industry which affects every aspect of American life.⁷⁹

An example of this remarkable technology and power is evident in *Traffic*, when Helen Ayala brings a doll to the Mexican drug lord, promising him a new way of smuggling cocaine. The drug kingpin looks at the doll with contempt, noting that drugs have been smuggled in children's toys for years. Helen smiles, telling the man, "the doll *is* cocaine."⁸⁰Such innovative business techniques are to be expected of an industry that is estimated to gross \$60 billion a year in the US alone, ranking it in the top ten largest businesses in the United States.⁸¹In fighting this business, prices have fallen, purity has increased, and the United States now incarcerates the largest proportion of its population of any country in the world—many for relatively minor drug offenses.⁸²

In an article for salon.com, Jeff Stark calls *Traffic* "the first mainstream, Hollywood production that has come out and said that America's drug war is not winnable."⁸³This paper has sought to demonstrate that *Traffic* is an important film because it depicts the drug war with remarkable truth and integrity, taking its stories and themes from real-world events and experiences of those fighting this war from the trenches. *Traffic* is a film that demands and deserves more than just an Oscar nomination or a nod for best picture of

⁷⁹*Id.* at p. 1.

⁸⁰Gaghan, p. 117, 2000.

⁸¹"Treatment & Education vs. Prohibition & Punishment." Transcript of PBS symposium on Drug wars. See website: <http://www.pbs.org/wghb/page...ntline/shows/drugs/symposium/panel1.html>.

⁸²*Id.* at p. 5.

⁸³Stark, Jeff. "Hollywood Kicks the Habit." http://www.salon.com/ent/mo...ture/2000/12/20/traffic_essay

the year. *Traffic* is a film that demands and deserves discussion from those inside and outside the war. It is a film that demands and deserves an honest debate about the state of our drug policy, about its successes and failures, and what can be done to alter the feelings of despair and futility that permeate through nearly all levels and individuals in the middle of the war. This paper has sought to facilitate such a discussion by demonstrating that *Traffic* is more than a collection of overly dramatized horror stories of life in the war on drugs. Indeed, *Traffic* is so much more that to ignore it and the truth in its representation of our failures in this war is to repeat past mistakes while DEA agents, politicians, and drug addicts give their lives fighting or dying from drugs.